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SEP 10 2004 Atty. Dkt. No. SALK1650-6
(088802-2758)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc. R. Montminy
Title: METHODS FOR TREATING
DIABETES MELLITUS
Appl. No.: 10/628,957
Filing Date: 07/28/2003
Examiner: Lucas, Zachariah
Art Unit: 1648

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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
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_____ September 10, 2004 (Date of Deposit)	

RESPONSE TO A RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the restriction requirement dated August 10, 2004, concerning the above-referenced patent application.

The claims have been restricted into three (3) groups. Applicant respectfully disagrees in-part with the basis for the restriction as discussed below. Applicant nevertheless hereby elects for examination Group I, claims 1-8, subject to the response below.

Applicant respectfully requests the Examiner to reconsider the restriction and to examine the claims of Group I to III together. Restriction is appropriate if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121); however, even if inventions are determined to be independent or distinct, restriction should not be made if examination can be performed without a "serious burden" on the examiner (MPEP §803). It is respectfully submitted that there would be no "serious burden" on the Examiner to examine all three Groups together.

DLMR259090.1

PAGE 3/4 * RCVD AT 9/10/2004 7:52:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID: * DURATION (mm:ss):01:20

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In sum, the Examiner is respectfully requested to reconsider the restriction and to examine the claims of Group I to III together.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

By Barry Wilson

Barry S. Wilson
Attorney for Applicant
Registration No. 39,431

Date September 10, 2004

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